

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMIGRANT BANK AND PACIFIC
MERCANTILE BANK,

Plaintiffs,

- against -

SUNTRUST BANK, TRUIST BANK, and
DOES 1-10, inclusive,

Defendants.

ORDER

20 Civ. 2391 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Pending before this Court are:

- (1) Plaintiffs' objections concerning certain discovery orders issued by Magistrate Judge Wang (Dkt. Nos. 132, 138, 170); and
- (2) the parties' pre-motion letters requesting permission to cross-move for summary judgment (Dkt. Nos. 157, 158, 159).

First, Plaintiffs object to (1) Judge Wang's November 13, 2023 order quashing Plaintiffs' subpoenas addressed to Baker Tilly and Nu Image; (2) Judge Wang's November 13, 2023 order as it relates to two requests in Plaintiffs' subpoena addressed to Virgo Investment Group, LLC ("Virgo") regarding the Baker Tilly due diligence reports and the arbitration between Nu Image and Calrissian/Virgo (Pltf. Br. (Dkt. No. 138)); (3) Judge Wang's October 30, 2023 order, which denied Plaintiffs' motion to compel Virgo to produce documents responsive to requests in the Virgo subpoena that Virgo had not objected to (Pltf. Br. (Dkt. No. 132)); and (4) Judge Wang's April 11, 2024 order granting Virgo's motion to quash Plaintiffs' SS&C document subpoena and Plaintiffs'

deposition subpoenas addressed to Virgo and the three Virgo partners. (Apr. 11, 2024 Tr. (Dkt. No. 170-1); Pltf. Br. (Dkt. No. 170))

For the reasons stated in open court today, Plaintiffs' objections are sustained. (Dkt. Nos. 132, 138, 170) Discovery is reopened for 45 days. Supplemental document discovery in accordance with this Order is to be provided by **August 16, 2024**. Any additional deposition discovery is to be completed by **September 9, 2024**. No extensions will be granted.

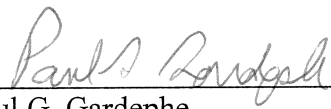
The parties have requested leave to cross-move for summary judgment. (Dkt. Nos. 157-58) Given that discovery has been reopened, the pre-motion letters are denied without prejudice to renewal at the conclusion of the discovery period.

* * * *

The Clerk of Court is directed to terminate the letter motions. (Dkt. Nos. 157, 158)

Dated: New York, New York
July 26, 2024

SO ORDERED.



Paul G. Gardephe
United States District Judge